

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA, *

PLAINTIFF, *

V. * CASE NO.2:06CR148-WHA

BENJANIN L. VANBUREN, *

DEFENDANT. *

UNOPPOSED MOTION TO CONTINUE TRIAL

Comes now the defendant, by and through undersigned counsel, and submits the following:

1. The trial of this case is set for the term beginning June 4, 2007.

2. The defendant is charged with conspiracy to possess with intent to distribute methamphetamine, possession with intent to distribute same and use/carry of a firearm during a drug trafficking offense.

3. Undersigned counsel and the government have been in good faith negotiations to resolve this case without the necessity of a trial. There are ongoing matters that have a major impact on plea negotiations that have not yet been completed and for which additional time is needed.

4. There is also pending a ruling on a motion to suppress. An evidentiary hearing was held on the motion to suppress on January 23, 2007. Counsel for defendant and the

Government are in good faith negotiations to try to resolve this matter without the necessity of a ruling on the motion to suppress. In order to complete these negotiations it is necessary that the trial of this case be continued in order to give the parties sufficient time to complete matters that are the subject of negotiation.

5. Undersigned counsel has conferred with the Government regarding this request and the government does not oppose this motion for a continuance.

6. A waiver of speedy trial signed by defendant is attached to this motion as exhibit A.

Wherefore, because of the above reasons undersigned counsel requests that the trial in the above styled case be continue and reset for the August 6, 2007 trial term, or for such other relief as the Court deems just.

Respectfully submitted this 25th day of April, 2007.

s/Jeffery C. Duffey
JEFFERY C. DUFFEY
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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April, 2007, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following: Steve Feaga, AUSA, P.O. Box 197, Montgomery, AL 36101.

s /Jeffery C. Duffey
JEFFERY C. DUFFEY
Attorney for
Defendant Van Buren